Case 3:08-cv-01063-MMC Document 4

Filed 02/22/2008

Page 1 of 2

TO PLAINTIFFS, GREG A. PERYRA, an incompetent, by and through his Guardian Ad Litem HUGO PEREYRA, and MARTHA PEREYRA:

PLEASE TAKE NOTICE that on February 22, 2008, Defendant FORD MOTOR COMPANY filed a Notice of Removal of this action in the Office of the Clerk of the United States District Court for the Northern District of California. A copy of the Notice of Removal is attached hereto as Exhibit A.

Dated: February 22, 2008

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By:

H. GRANT LAW AMIR NASSIHI

Attorneys for Defendant FORD MOTOR COMPANY

28

CASE NO.

136274v1

# TO THE UNITED STATES DISTRICT COURT AND TO PLAINTIFF:

PLEASE TAKE NOTICE that on February 22, 2008, Defendant FORD MOTOR COMPANY filed a Notice in the Superior Court of the State of California for the County of Contra Costa, informing the Superior Court that Defendant has removed this action from Contra Costa County Superior Court to the United States District Court for the Northern District of California.

Dated: February 22, 2008

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By:

H. GRANT LAW AMIR NASSIHI

Attorneys for Defendant FORD MOTOR COMPANY

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CASE NO.

**EXHIBIT A** 

 Case 3:08-cv-01063-MMC
 Document 4-2
 Filed 02/22/2008
 Page 5 of 35

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02/06/2000 11:12 415-556-6560	MUDKEADKDWITIIG	1 HOL 007 01
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ATTORNEY OR PARTY WITHOUT ATTORNEY After State S		982.1(1)
ATTORNEY OR FARTY WITHOUT ATTORNEY (Name, State Ber number, and address Michael B. Moore, Esq. (62182)  The Law Office of Michael B.	H. Ludlow, Jr. (36440)	FOR COURT USE ONLY
I THE COME OF THE CONTROL OF THE CON	30x 1184	
	Cruz, CA 95061	1
3200	Cruz, CA 95001	
San Francisco, CA 94105	į	
	(415) 004 0500	
E-MAIL ADDRESS (Optional):	(415) 956-6580	1
ATTORNEY FOR (Name): Plaintiff		1
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA	COSTA	
STREET ADDRESS; 725 Court Street		
Mailing address;		
CITY AND ZIP CODE. Martinez, CA 94553		
BRANCH NAME:		
PLAINTIEF GREG A PEDEVDA on Leasure		
PLAINTIFF: GREG A. PEREYRA, an incompe	ment, by and through his Guardian	1 11 11 11 11 11 11 11 11 11 11 11 11 1
Ad Litem HUGO PEREYRA, and MARTHA PERE	YRA	OCT 0 5 2007
DEPENDANT PARTY ACTION AND THE PARTY AND THE		001 0 3 K001
DEFENDANT: FORD MOTOR COMPANY		K. TORREL T. FIRE CHETAIR COURSE
		K. TORRE CLERK OF THE COURT SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF CONTRA COSTA
	A	· · · · · · · · · · · · · · · · · · ·
X DOES 1 TO 50		Doputy Clark
COMPLAINT Portant Line	1	1
COMPLAINT—Personal Injury, Property Damage,	Wrongful Death	<u> </u>
Cantinger):		1
Type (check all that apply):		
X MOTOR VEHICLE OTHER (specify)		}
Property Damage Wrongful De		1.
Other Damag	es (specify):	
Jurisdiction (check all that apply):		
ACTION IS A LIMITED CIVIL CASE		
Amount demanded does not exceed \$10	1000	CASE NUMBER:
	3,000 1 3	
ACTION IS AN UNLIMITED CIVIL CASE (exceeds	t does not exceed \$25,000	
ACTION IS RECLASSIFIED by this amended com	\$25,000}	007-02210gg
from limited to unlimited	plaint	4 1 1 1
from unlimited to limited	·	
1 Plaints (		
1. Plaintiff (name or names): GREG A. PEREYRA, an PEREYRA, and MARTHA PEREYRA	incompetent, by and through his G	uardian Ad Litem HUGO
Silenes causes of action against 4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-		
alleges causes of action against defendant (name or n.	ames): All above named	
Promise area of the state of th	ists of the following number of pages:	4
Printri Maried above is a competent adult		
a. [X_] except plaintiff (name): GREG A. PERFY	TRA	
(1) a corporation qualified to do business in (	lalifornia	PER LOCAL RULE 5 THIS
(2) an unincorporated entity (describe):		CASE IS ASSIGNED TO
(3) a public entity (describe):		DEPT 10
(4) s minor x an edult		
The state of the s	•	
(a) x for whom a guardian or conservator of (b) other (specific)	f the estate or a quardian ad litem has	heen annointed
The laboration of the laborati		wear appointed
(5) other (specify):		
••		•
b. except plaintiff (name)		•
The pionital (name).		
(1) a corporation qualified to do business in C	alifornia	
(2) an unincorporated entity (describe):		
(3) a public entity (describe):		•
(4) a minor an adult		
- B-44 area of COLISEI AGIOL DI	me estate or a guardian ad litem has t	peen appointed
		• •
(5) other (specify):		
Information observed and the		
Information about additional plaintiffs who are not	competent adults is shown in Attached	ent 3
		Page 1 of 3
of Council of California COMPLAINT—  1(1) [Rev. January 1, 2006]  Darmand	Personal Injury, Property	Legal Code of Civil Procedure, § 425.12
Damage	, wrongful Death So	lutions
		26 Phis 116N79551741.tif-2/8/2008 11:14.06 AM

				982.1(1
SHORT TITLE: PEREYRA V. FORD MOTOR COMP	ANY, et al.		CASE NUMBER:	VOE I
4. Plaintiff (name):				
is doing business under the fictitious name (spe	cify):			
and has complied with the fictitious business na	me laws.			
5. Each defendant named above is a natural person				
a. X except defendant (name): FORD MOTO COMPANY	R c.	except defendant (r	name):	
(1) a business organization, form unknown	1	(1) a business organ	nization, form unknown	
(2) x a corporation	L	(2) a corporation	mentional (Olin Allestonal)	
(3) an unincorporated entity (describe):		(3) an unincorporate	ed entity (describe):	
(4) a public entity (describe):		(4) a public entity (d	escribe):	
(5) other (specify):		(5) other (specify):		
b. except defendant (name):	d.	except defendant (	name):	
(1) a business organization, form unknown	j	/43 [		
(2) x a corporation	L	(1) a business organ (2) a corporation	ization, form unknown	
(3) an unincorporated entity (describe):	1	· ·	d entity (describe):	
(4) a public entity (describe):		(4) a public entity (de	escribe):	
(5) other (specify):		(5) ther (specify):		
		•••		
Information about additional defendants who a	re not natural pe	rsons is contained in Attac	hment 5	
6. The true names of defendants sued as Does are uni				
a. x Doe defendants (specify Doe numbers): 1	to 50		nts or employees of other	
named defendants and acted within the sco	pe of that agenc	y or employment.	, , , , , , , , , , , , , , , , , , ,	
b. Doe defendants (specify Doe numbers): 1	to 50	are persons v	vhose capacities are unkr	nown to
7. Defendants who are joined pursuant to Code o	f Civil Procedure		·	
	OTAL TOCCULE	· .		
8. This court is the proper court because			.etie	
a. at least one defendant now resides in its jur	isdictional area	•		
b. X the principal place of business of a defenda	nt corporation or	unincorporated associatio	n is In its iurisdictional are	æ.
<ul> <li>c injury to person or damage to personal prop</li> <li>d other (specify);</li> </ul>	erty occurred in I	its jurisdictional area.		
		•		
Plaintiff is required to comply with a claims statu	ite, and			
a nas complied with applicable claims statutes	si or			
<ul> <li>is excused from complying because (specify)</li> </ul>	*			•
		•	•	
and the second s				

R5/R8/5R8 TT:T5

415-956-6580

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HAPE INV3T

			982.1(1)
SH	RT TITLE: PEREYRA v FORD MOTOR COMPANY, et al.	CASE NUMBER:	202.1(1)
10. T ca a b. c. d.	ne following causes of action are attached and the statements above apply to each (each uses of action attached):  Motor Vehicle  General Negligence Intentional Tort  Y Products Liability Premises Liability	ch complaint must have one or	тоге
f.	Other (specify):		
a. b. c. d. e. f.	wage loss  wage loss  loss of use of property  hospital and medical expenses  general damage property damage  sos of earning capacity other damage (specify): Negligent Infliction of Emotional Distress (Marth	a Pereyra)	
12 a.   b.	The damages claimed for wrongful death and the relationships of plaintiff to the de fisted in Attachment 12.  as follows:	eceased are	
13. The	relief sought in this complaint is within the jurisdiction of this court.		
u.	ntiff prays for judgment for costs of sult: for such relief as is fair, just, and equitable: a  i)		
15.	The paragraphs of this complaint alleged on information and belief are as follows (sp	pecify paragraph numbers):	
Date: (	3t.2,2007	0 0 MA	
····	B. Moore, Esq. (TYPE OR PRINT NAME) (SIGNAT	LB. Mark	<del></del>

•	·. ·		
SHORT TITLE	PEREYRA v. FORD MOTOR COMPANY,	eL al.	CASE NUMBER:
FIRST			
<u> </u>	(number) CAUSE OF ACTION -	Products Liability	Page FOUR
ATTAC	HMENT TO 🕱 Complaint 🔲 Cross-Complaint		
(Use a s	eperate cause of action form for each cause of action	n.)	
	name): (IRFG A. PEREYRA, an incompetent	, by and through his Gua	rdian Ad Litem HUGO
1100.2-1	On or about (date): October 17, 2006 Ford F150 Pickup Truck	plaintiff was injured b	y the following product:
Prod.L-2.	Each of the defendents knew the product would be The product was defective when it left the control of was being	e purchased and used without feach defendant. The pro-	out inspection for defects. duct at the time of injury
Prod 1 - 3	used in the manner intended by the defendant used in a manner that was reasonably foresee readily apparent. Adequate warnings of the de Plaintiff was a	able by defendante on inve	ilving a substantial danger not
I I DIVING	purchaser of the product.		
	bystander to the use of the product		
Prod.L-4,	F'S INJURY WAS THE LEGAL (PROXIMATE)  Count One-Strict liability of the following defe  a.  manufactured or assembled the produce	Pháphis Who	
	b. x designed and manufactured component Ford Motor Company	 t parts supplied to the man	ufacturer (names):
	c. sold the product to the public (names):	 Ford Motor Company	
Prod.L-5.	Does 1 to 50  Count Two-Negligence of the following defend Ford Motor Company	 dants who owed a duty to p	laintiff (names):
Prod.L-6.	X Does 1 to 50  X Count Three-Breach of warranty by the follow		Ford Motor Company
	a. x who breached an implied warranty b. who breached an express warranty which		
Prod.L-7. [	□ written □ oral     □ The defendants who are liable to plaintiffs for ott     □ listed in Attachment-Prod.L-7 □ as foll	her reasons and the reason	s for the liability are

**EXHIBIT B** 

under: CCP 416.10 (corporation) CCP 416,60 (minor) CCP 416.20 (defunct corporation) CCP 416.70 (conservatee) CCP 416.40 (association or partnership) CCP 416.90 (authorized person) Other (specify): by personal delivery on (date): Form Adopted for Mandatory Use Page 1 of 1

Judicial Council of Calif SLIM-100 [Rev. Jenuary 1, 2004]

SUMMONS

Code of Civil Procedure 55 412.20, 455

			CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Martic, State Bar)	number, end a	idress):	FOR COURT USE ONLY
Mishael B. Moore, Esq. (62182) The Law Office of Michael B. Moore	Rober	H Indlow Jr. (36440)	·
595 Market Street, Suite 1320		lox I184	francy G
Joseph State 1320	BIIIS	Cruz, CA 95061	
San Francisco, CA 94105			
TELEPHONE NO.: (415) 956-6500		(415) 056 6590	U OOT O - OOT
ATTORNEY FOR (Name): Plaintiff	FAX NO.:	(415) 956-6580	OCT 0 5 2007
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CO	NTRAC	OSTA	6. TORRECLERK OF THE COURT
STREET ADDRESS: 725 Court Street			A SIN TO THE CLUB K OF THE COURT
MAILING ADDRESS;			t-
City And zig coop. Martinez, CA 94553			Deputy Clark
CASE NAME: PEREYRA V FORD MOT			
CASE NAME: PEREYRA v. FORD MOT	OR CO	MPANY, et al.	
CIVIL CASE COVER SHEET	Com	plex Case Designation	CASE NUMBER:
x Unlimited Limited		1 ———	
(Amount (Amount			307-022107
demanded demanded is exceeds \$25,000 \$25,000 or less)	THEO WIT	n first appearance by defendant Rules of Court, rule 1811)	· 1 ··· · · · · · · · · · · · · · · · ·
			DEPT:
1. Check one how holow for the area has the	nust be co	mpleted (see instructions on pa	ge 2).
Check one box below for the case type that in Auto Tort		l .	
Auto (22)	Contract	1	Provisionally Complex Civil Litigation
Uninsured motorist (46)	Ere	ach of contract/warranty (05)	(Cal. Rules of Court, rules 1800–1812 )
Other PI/PD/WD (Personal Injury/Property		ections (09)	Antitrust/Trade regulation (03)
Damage/Wrongful Death) Tort		rance coverage (18)	Construction defect (10)
Asbestos (04)		er contract (37)	Mass tort (40)
X Product liability (24)	Real Prop		Securities litigation (28)
		nent domain/inverse	Environmental/Toxic tort (30)
Medical malpractice (45)		demnation (14)	insurance coverage claims arising from the
Other PUPDAWO (23)		ngful eviction (33)	above listed provisionally complex case
Non-PVPD/WD (Other) Tort		r real property (26)	types (41)
Business tort/unfair business practice (07)	Unlawful	Detainer E	Enforcement of Judgment
Civil rights (08)	Con	mercial (31)	Enforcement of judgment (20)
Defamation (13)	Res	dential (32)	liscellaneous Civil Complaint
Fraud (16)	Drug	s (38)	RICO (27)
Intellectual property (19)	Judicial R	eview	Other complaint (not specified above) (42)
Professional negligence (25)		[	fiscellaneous Civil Petition
Other non-PI/PD/WD tort (35)		on re: arbitration award (11)	
Employment		of mandate (02)	Partnership and corporate governance (21)
Wrongful termination (36)		r judicial review (39)	Other petition (not specified above) (43)
Other employment (15)		, ,	
2. This case is x is not comple	v under e	10 5000 of the California D. I	
BCtors requiring excentional judicial manage			of Court. If the case is complex, mark the
a. Large number of separately represe	nted parti	es d. Large number of	Milloceat
b. Extensive motion practice raising diff	ficult or no		related actions pending in one or more courts
issues that will be time-consuming to	o resolve		states, or countries, or in a federal court
c Substantial amount of documentary	evidence		udgment judicial supervision
. Type of remedies sought (check all that apply	/):	2. L. Jourstanda boade	and well innicial arbetagion
a. x monetary b. nonmonetary		y or injunctive relief c.	au taith to
. Number of causes of action (specify):		y vi mjunuava ialiet C. [	punitive
	action sui		
	~~!\\!!! 9f	nting of auturn received A	
If there are any known related cases, file and late: October 2, 2007	acive a n	ouce of related case. (Youvney	450 tomi CM-015).
Ichael B. Moore, Esq.		INTEGA	U W (IM ma)
(TYPE OR PRINT NAME)		- TUVO	X.D.VITUOUV
		NOTICE	URE OF PARTY OR ATTORNEY FOR PARTY
<ul> <li>Plaintiff must file this cover sheet with the first under the Probate Code. Family Code, or We</li> </ul>	paner file	d in the action or seemed to	percent concil alabase seems as a seems as
	Ifare and	nstitutions Code). (Cal. Rules of	of Court, rule 201 8 \ Ealling to see
result in sanctions.			add the raid to the tisk
File this cover sheet in addition to any cover s	heet requ	ired by local court rule.	].
Other parties to the action or proceeding	. of the Ca	lifornia Rules of Court, you mus	st serve a copy of this cover sheet on all
Unless this is a complex case, this cover shee	t will be in	sed for statistical numbers and	
m Adopted for Mundatory Use	Office of	ISE COVED QUEET	Page 1 of 2

Case 3:08-cv-01063-MMC Document 4-2 Filed 02/22/2008 Page 12 of 35 02/08/2008 11:12 MULIKERRKUMNING PAGE U8/31 415-956-6588 ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Ber number, Michael B. Moore, Esq. (62182) <u>982.1(1)</u> Robert H. Ludlow, Jr. (36440) FOR COURT USE ONLY The Law Office of Michael B. Moore P.O. Box 1184 595 Market Street, Suite 1320 Santa Cruz, CA 95061 San Francisco, CA 94105 TELEPHONE NO: (415) 956-6500 FAX NO. (Optional): (415) 956-6580 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS; 725 Court Street MAILING ADDRESS: CITY AND ZIP CODE Martinez, CA 94553 BRANCH NAME PLAINTIFF: GREG A. PEREYRA, an incompetent, by and through his Guardian Ad Litem HUGO PEREYRA, and MARTHA PEREYRA OCT 0 5 2007 DEFENDANT: FORD MOTOR COMPANY Fortenberry X DOES 1 TO 50 COMPLAINT—Personal Injury, Property Damage, Wrongful Death AMENDED (Number): Type (check all that apply): X MOTOR VEHICLE OTHER (specify): **Property Damage** Wrongful Death X Personal Injury Other Damages (specify): Jurisdiction (check all that apply): ACTION IS A LIMITED CIVIL CASE CASE NI MARER Amount demanded does not exceed \$10,000 exceeds \$10,000, but does not exceed \$25,000 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) CO7-02210mm ACTION IS RECLASSIFIED by this amended complaint from limited to unlimited from unlimited to limited Plaintiff (name or names): GREG A. PEREYRA, an incompetent, by and through his Guardian Ad Litem HUGO PEREYRA, and MARTHA PEREYRA alleges causes of action against defendant (name or names): All above named 2. This pleading, including attachments and exhibits, consists of the following number of pages: 4 3. Each plaintiff named above is a competent adult a. X except plaintiff (name): GREG A. PEREYRA (1) a corporation qualified to do business in California PER LOCAL RULE 5 THIS CASE IS ASSIGNED TO (2)an unincorporated entity (describe): (3) a public entity (describe): a minor x an adult (a) x for whom a guardian or conservator of the estate or a guardian ad litem has been appointed (b) \_\_\_ other (specify): \_\_\_ other (specify): \_\_ except plaintiff (name): a corporation qualified to do business in California (1)

Form Approved for Optional Use Judicial Council of California 982.1(1) [Rev. January 1, 2006]

(2)

(3)

(4)

(a)

(b) L

an unincorporated entity (describe):

a public entity (describe):

ther (specify):

a minor

(5) other (specify):

for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

Document 4-2 Filed 02/22/2008

PILLO MARI Success of Parties and Parties			982	.1(1
SHORT TITLE: PEREYRA V. FORD MOTOR COM	PANY, et al.	•	Case Number:	
4. Plaintiff (name):		1		
is doing business under the fictitious name (sp				
and has complied with the fictitious business n	ame laws.			
5. Each defendant named above is a natural person				
a. X except defendant (name): FORD MOTO COMPANY		c except defendant (/	name):	
(1) a business organization, form unknow	rr	(1) a business organ	nization, form unknown	
(2) <u>x</u> a corporation		(2) a corporation	arreducti fottes Attitutesis	
(3) an unincorporated entity (describe):		(3) an unincorporate	ed entity (describe):	
(4) a public entity (describe):		(4) a public entity (d	escribe):	
(5) other (specify):		(5) other (specify):		
b. except defendant (name):	(	d except defendant (	name):	
(1) a business organization, form unknow		(1) a business organ	stration form colonics	
(2) x a corporation		(2) a corporation	nization, form unknown	
(3) an unincorporated entity (describe):			ed entity (describe):	
(4) a public entity (describe):	† †	(4) a public entity (d	escribe):	
(5) other (specify):		(5) other (specify):		
Information about additional defendants who	are not natural :	persons is contained in Attac	chment 5.	
6. The true names of defendants sued as Does are un				
a. X Doe defendants (specify Doe numbers): 1	to 50	were the age	nts or employees of other	
named defendants and acted within the so		ncy or employment.		
b. X Doe defendants (specify Doe numbers): 1 plaintiff.			whose capacities are unknown t	0
7. Defendants who are joined pursuant to Code	of Civil Procedu	re section 382 are (names):		
8. This court is the proper court because			.*13*	
at least one defendant now resides in its ju	riedictional area	•		
b. X the principal place of business of a defend	ant corporation	or unincorporated association	on is in its lurisdictional area.	
The interior of the source status and betacust blo	perty occurred.	in its furisdictional area.		
d other (specify):				
•				
P. Plaintiff is consisted to as				
<ol> <li>Plaintiff is required to comply with a claims statute</li> <li>a has complied with applicable claims statute</li> </ol>	uie, and			
b. is excused from complying because (specific	<b>W</b> :			
•		•	•	
The state of the s				
44 (10)		•		

WUTKFRRKTMUTUP

SHORT OTHE PEREYRA V FORD MOTOR COMPANY, et al.	982.1(
MINISTER MOTOR COMPANY, et al.	CASE NUMBER:
10. The following	
10. The following causes of action are attached and the statements above apply to each causes of action attached):  a Motor Vehicle  b General Negligence  c Intentional Tort  d Products Liability	(each complaint must have one or more
e. Premises Liability f. Other (specify):	
11. Plaintiff has suffered	
a. X wage loss b. X loss of use of property c. X hospital and medical expenses d. X general damage e. X property damage	•
e. x property damage f. x loss of earning capacity g. x other damage (specify): Negligent Infliction of Emotional Distress (Ma	urtha Pereyra)
The damages claimed for wrongful death and the relationships of plaintiff to the a fisted in Attachment 12, b as follows:	e deceased are
13. The relief sought in this complaint is within the jurisdiction of this court.	
14. Plaintiff prays for judgment for costs of suit: for such relief as is fair, just, and equitable a. (1) [X] compensatory damages  (2) punitive damages	
The amount of damages is (in cases for personal injury or wrongful death, you mus  (1) X according to proof  (2) in the amount of: \$	t check (1)):
15. The paragraphs of this complaint alleged on information and belief are as follows	(specify paragraph numbers):
Date: Oct. 2, 2007	0.00
Michael B. Moore, Esq. (TYPE OR PRINT NAME)	Hall BUILDE OF BLANTING OF ALTONOMY

Document 4-2 Filed 02/22/2008 Page 15 of 35

SHORT TITLE:	PEREYRA v.	FORD MOROR	<i>C</i> . 3 cm m coup		T
		LOKO MOJOH	COMPANY, e	اه. اه.	CASE NUMBER
	<u> </u>				
FIRST					
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	(number)	<ul> <li>CAUSE OF</li> </ul>	ACTION - P	roducts Liability	Page FOUR
ATTAC	HMENT TO ISO	umplaint 🖂 O			
		subrant [7] Ctc	ss-Complaint		
(Use a se	sparate cause of aci	ion form for each o			
		cacii	ause of auton.)		
Plaintiff (i	neme): ({RF(}A	PRREYRA and	noommate-t-		•
PEREY	RA, and MARTH	A PEREVOA	secomberain' ul	and through his Guardia	n Ad Litem HUGO
Prod.L-1.	On or about (date	Cotober 17 2	ባሰፍ	and the second second	_
	Ford F150 Picku	n Truck	000	plaintiff was injured by the	e following product:
		p 11dog			
					•
Prod.L-2.	Each of the defend	lants knew the pro-	duct would be no	irchased and used without in	
		efective when it lef	t the control of e	ach defendant. The product	ispection for defects,
	was being		THE MANAGEMENT OF THE	ean desendant. The biodift	at the time of injury
	used in the ma	anner intended by	the defendants		
	x used in a man	ner that was reaso	nably forespace	le by defendants as involving	
		nt. Adequate warr	lings of the dance	iet meta poj dinos ie na nerenagijis 99 ilianialiti	a substantial danger not
Prod.L-3.	Plaintiff was a		G. Francisco	or word that Alactit	
	x purchaser of the	ne product.		(Plant) senant of the	
	□ bystander to the standard point of the standard point o	e use of the produ	ect.	x user of the	
				other (speci	
PLAINTIF	F'S INJURY WAS	THE LEGAL (PI	ROXIMATE) RE	ESULT OF THE FOLLOW	//\$10:
Prod.L-4,	Count One-St	rict liability of the	following defend	ante may	ING:
	a. 💢 menufa	ctured or assemble	ed the amount /	ames): Ford Motor Con	77.041
			product (1)	amosj. I ord 14,0001 Coji	thany
		_			
	5 (1) de minus	Does 1	to_50		
	v. Landesigne	d and manufacture	ed component pa	uts supplied to the manufact	turer (names):
	Ford Motor	Company			•
	!	V Doge 1	4 - AA		
	C Decid the	Does ]	. 10_50	<b></b>	
	o. La sona me	product to the put	olic (names): For	rd Motor Company	
	· ·	77 haar 1			
Prod.L-5.	Count Two No.	K Does I	_ to_ <u>&gt;U</u>		
	Ford Motor Com	hanv Sufferice of the foll	lowing defendant	ts who owed a duty to plainti	ff (names):
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Prod.L-6.	Count Three-B	each of warranty	by the following	defendants (names): Force	*** . =
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	b. who brea	ched an express w	siriy Mitaniu wistas	·	
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Prod.L-7.	The defendants	who are liable to n	aintiffs for other	reasons and the reasons fo	- 45 45 . v av
	☐ listed in Atta	chment-Prod.L-7	ac fatter	·=avviis ariu ine reasons foi	the liability are
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SUPERIOR COURT - MARTINEZ COUNTY OF CONTRA COSTA MARTINEZ, CA, 94553

PEREYRA VS FORD MOTOR COMPANY

NOTICE OF CASE MANAGEMENT CONFERENCE

CIVMSC07-02210

1. NOTICE: THE CASE MANAGEMENT CONFERENCE HAS BEEN SCHEDULED FOR:

DATE: 02/25/08

DEPT: 16

TIME: 8:30

THIS FORM, A COPY OF THE NOTICE TO PLAINTIFFS, THE ADR INFORMATION SHEET, A BLANK CASE MANAGEMENT CONFERENCE QUESTIONNAIRE, AND A BLANK STIPULATION FORM ARE TO BE SERVED ON OPPOSING PARTIES. ALL PARTIES SERVED WITH SUMMONS AND COMPLAINT/CROSS-COMPLAINT OR THEIR ATTORNEY OF RECORD MUST APPEAR.

- You may stipulate to an earlier Case Management Conference. all parties agree to an early Case Management Conference, please contact the Court Clerk's Office at (925)957-5794 for Unlimited Civil cases and (925)957-5791 for Limited Civil cases for assignment of an earlier date.
- You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference and to discuss the suitability of this case for the EASE Program, private mediation, binding or non-binding arbitration, and/or use of a Special Master.
- At any Case Management Conference the court may make pretrial orders including the following:
  - an order establishing a discovery schedule
  - an order referring the case to arbitration b.
  - an order transferring the case to limited jurisdiction
     an order dismissing fictitious defendants

  - an order scheduling exchange of expert witness information
  - f. an order setting subsequent conference and the trial date
  - an order consolidating cases
  - an order severing trial of cross-complaints or bifurcating
  - i. an order determining when demurrers and motions will be filed

#### **SANCTIONS**

If you do not file the Case Management Conference Questionnaire or attend the Case Management Conference or participate effectively in the Conference, the court may impose sanctions (including dismissal of the case and payment of money).

Clerk of the Superior Court of Contra Costa County I declare under penalty of perjury that I am not a party to this action, and that I delivered or mailed a copy of this notice to the person representing the plaintiff/cross-complainant.

Dated: 10/09/07

A. Fortenberry

A. FORTENBERRY, Deputy Clerk

# Superior Court of California, County of Contra Costa

# NOTICE TO DEFENDANTS

In Unlimited Jurisdiction Civil Actions

# YOU ARE BEING SUED. The packet you have been served should contain:

- a. The Summons
- b. The Complaint
- c. The Notice of Case Management (shows hearing date and time)
- d. Blank: Case Management Statement (Judicial Council Form CM-110)
- e. <u>Blank</u>: Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b)
- f. Alternative Dispute Resolution (ADR) Information (Local Court Form CV-655e)



# WHAT DO I DO NOW?



#### You must:

- Prepare your response YOU COULD LOSE YOUR CASE—even before it is heard by a
  judge or before you can defend yourself, if you do not prepare and file a response on time.
  See the other side of this page for types of responses you can prepare.
- 2. Complete the Case Management Statement (CM-110)
- 3. File and serve your court papers on time Once your court forms are complete, you must file 1 original and 2 copies of the forms at court. An adult who is NOT involved in your case must serve one set of forms on the Plaintiff. If you were served in person you must file your response in 30 days. If the server left a copy of the papers with an adult living at your home or an adult in charge at your work or you received a copy by mail you must file your response in 40 days.
- 4. Prove you served your court papers on time by having your server complete a *Proof* of Service, (Judicial Council form POS-040), that <u>must</u> be filed at the court within <u>60</u> days.
- 5. Go to court on the date and time given in the Notice of Case Management Conference.
- 6. Consider trying to settle your case before trial if you and the other party to the case can agree to use mediation, arbitration or neutral case evaluation, the <u>Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days</u> can be filed with your other papers. For more information read the enclosed ADR information, visit <u>www.cc-courts.org/adr</u>, or call (925) 957-5787.

IMPORTANT! The court recommends consulting an attorney for all or part of your case. While you may represent yourself, lawsuits can be complicated, and the court cannot give you legal advice.

<u>COURT FEES:</u> You must pay court fees the first time you file your papers. If you also file a motion, you must pay another fee. If you cannot afford the fees, you may ask the court to waive (allow you not to pay) fees. Use Judicial Council forms FW-001-INFO [information sheet]; FW-001 [application]; and FW-003 [order].

COURT FORMS: Buy forms at the Forms Window in the Family Law Building or download them for free at:

www.courtinfo.ca.gov/forms/

# WHAT KIND OF RESPONSES CAN I FILE?

- If you disagree with some or all of what the plaintiff says in the complaint because you believe, or know it is not true, you can file an <u>ANSWER</u>.
- 2. If you have a claim in the same case against the plaintiff, you may file a CROSS-COMPLAINT.
- 3. If you want to ask the court to do something on your behalf, you may file a MOTION (See TYPES OF MOTIONS below)

# **HOW DO I PREPARE AN ANSWER?**

There are two kinds of Answers you can use, depending on whether the Complaint was verified. You can tell if a Complaint is verified because it says "Verified Complaint" and/or has a signed cath on the last page.

#### For complaints that are NOT verified:

Use Judicial Council form PLD-050 - General Denial

#### For complaints that ARE verified:

- For personal injury, property damage, and wrongful death claims, use Judicial Council PLD-PI-003 (do not check number 2).
- b. For contract claims, use Judicial Council PLD-C-010 (do not check number 3a).
- c. Be sure to deny <u>every</u> claim with which you disagree. For example, you might write: "I believe, or know, that the information in paragraph #\_\_ is untrue/incorrect." Continue your list until you have addressed each paragraph in the Complaint.

NOTE: The Judicial Council Answer forms have spaces for your affirmative defenses. Be sure to include them or you may not be able to use them later. To find out what your affirmative defenses might be, go to the law library and ask the librarian to help you find the information you need.

If you want to file a Cross-Complaint, you must do so at the same time you file the Answer.

- a. For a personal injury, property damage, and/or wrongful death Cross-Complaint, use Judicial Council form PLD-PI-002.
- b. For a contract Cross-Complaint, use Judicial Council PLD-C-001.

# TYPES OF MOTIONS

Written motions are documents that ask the court to do something. You may have to file an *Answer* at the same time. At this point in the case, you can only make Motions from the following list:

- Demurrer (the facts stated in the complaint are wrong, or the deadline to file the lawsuit has passed);
- Motion to Strike (the complaint is unclear; does not follow the law, "doesn't matter", etc.);
- 3. Motion to Transfer (the complaint is in the wrong court or there's a more appropriate court);
- 4. Motion to Quash Service of Summons (you were not legally served);
- 6. Motion to Stay (put the case on hold); or
- 6. Motion to Dismiss (stops the case).

NOTE: Motions are very complicated and you may want to hire a lawyer to help you.

#### WHERE CAN I GET MORE HELP?

Lawyer Referral Servica: (925) 825-5700

Bay Area Legal Ald: (800) 551-5554

Contra Costa County Law Library Martinez: (925) 646-2783

Ask the Law Librarian: www.247ref.org/portal/access\_law3.cfm

Richmond: (510) 374-3019

CV-655d/Rev. 05/2007

# SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA

·			
vs.	Pleintiff(s)		
	Defendant(s)	Stipulation and Order to Atter First Case Management Confe	
Case No.: Date	e complaint filed:	First case management conference	set for:
PARTIES MUST ALSO SEND	ETHE FIRST CASE MAI A COPY OF THE FORM	M WITH THE JUDGE'S SIGNATURE TO THE	
FAX: (925) 957-5689 or MAIL.  THIS STIPULATION MAY NO			
Counsel and all parties certication, and have selected the Judicial mediation  Private mediation	e following alternativ	i conferred on the subjects set forth in ve dispute resolution (ADR) process: [a arbitration	Rule of Court check (Zone); se evaluation
<ol> <li>This is not a complex civil</li> <li>All parties have been serv</li> <li>All parties have agreed to</li> <li>Defendant(s)' first appeara</li> </ol>	case (as described in ed and intend to subm a specific plan for suff ance fee has been paid and self-addressed sta	ADR WITHIN 80 DAYS, AND CERTIFY: California Rules of Court, Rule 3.400); it to the jurisdiction of the court; icient discovery to make the ADR proces d or will be submitted with this Stipulation imped envelopes are provided for returning	,
<ul><li>6. Case Management Confer</li><li>7. All parties will attend ADR</li></ul>	ence Statements are s conferences as requir	submitted with this Stipulation; ed by local court rule (Appendix C); and, n 90 days to complete ADR.	
Counsel for Plaintiff (print)	Fax	Counsel for Defendent (orint)	Fax
Signature		Signature	
Counsel for Plaintiff (print)	Fex	Counsel for Defendant (print)	Fax
Signature		Signature	
and with which the It could with	4 S441 1732	Case Management Order to be filed, IT IS S is vacated and rescheduled for by all parties of the case management conf	. 4
Dated:	· · · · · · · · · · · · · · · · · · ·	Judge of the Superior C	nare-4
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PAGE 15/31

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E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE;	
BRANCH NAME:	
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DEFENDANT/RESPONDENT:	
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CASE MANAGEMENT STATEMENT	CASE NUMBER
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(Amount demanded (Amount demanded is \$25,000 exceeds \$25,000)	
exceeds \$2b,(k)(0)- or less)	•
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A CASE MANAGEMENT CONFERENCE is scheduled as follows:	
Date: Time: Dept.:	Div.: Room:
Address of court (if different from the address above):	1,0011.
. Included to addit to contain the subsess shove).	
a This statement is submitted by party (name):  b This statement is submitted jointly by parties (names):	
<ol> <li>Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants</li> <li>The complaint was filed on (date):</li> </ol>	s only)
b The cross-complaint, if any, was filed on (date):	
Service fto he ensured by nightiffs and ensure appeals in a last	
the 20 division by plantalis and cross-complements only)	•
and have been selved, it	or have appeared, or have been diamissed.
o. In a following parties named in the complaint or cross-complaint	
(1) have not been served (specify names and explain why not):	
(2) have been served but have not appeared and have not been d	lismiseed (specify names):
(3) have had a default entered against them (specify names):	
c. The following additional parties may be added (specify names, nature of inv	rolvement in case, and the date by which
a. Type of case in complaint cross-complaint (describe, inc	luding causes of action):
TII) Adopted for Mendelory Uses Audicial Council of California  CASE MANAGEMENT STATEMENT	Page 1 of 4
Audital Council of California CASE MANAGEMENT STATEMENT M-110 [Flaw, January 1, 2007]	Cri, Rules of Court, nules 2.720-2,730 Prov. courfinits es cov

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PAGE 1//31

Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages defined, including medical expenses to date infinitions accordingly. Including medical expenses, foe earnings to date, and estimated future isst earnings. If equitable rolled is sought, describe the nature of the relief,)  [If more space is needed, check this box and attach a page designated as Attachment 4b.]  Jury or nonjury trial  The nonliny trial  The party or parties request  a jury trial  a nonjury trial (if more then one party, provide the name of each part requesting a jury trial):  Trial date  a jury trial as been set for (date):  b. No trial date base set. This case will be ready for trial within 12 months of the date of the filling of the completint (if not explain):  c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):  Estimated length of trial  The party or parties estimate that the trial will take (check one):  a deep specify number;  b. Inours (short causes) (specify):  This representation (in be enswered for each party)  The party or parties will be represented at trial by the attorney or party listed in the caption by the following:  Attorney:  First performance:  Attorney:  At	PLAINTIFF/PETITIONER:	CASE NUMBER:	
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PLAINTIFF/PETITIONER:	ÇAŞE NUMBER:
DEFENDANT/RESPONDENT:	
<ul> <li>10. d. The party or parties are willing to participate in (check all that apply): <ol> <li>Mediation</li> <li>Nonbinding judicial arbitration under Code of Civil Procedure section 1141, arbitration under Cal. Rules of Court, rule 3,822)</li> <li>Nonbinding judicial arbitration under Code of Civil Procedure section 1141, before trial; order required under Cal. Rules of Court, rule 3.822)</li> <li>Binding judicial arbitration</li> <li>Binding private erbitration</li> <li>Neutral case evaluation</li> <li>Other (specify):</li> </ol> </li></ul>	•
e.  This matter is subject to mandatory judicial arbitration because the amount in confidence of the plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery procedure section 1141.11.  g.  This case is exempt from judicial arbitration under rule 3.811 of the California Rule.	y to the amount specified in Code of Civil
11. Settlement conference The party or parties are willing to participate in an early settlement conference (spec	olfy when):
12. Insurance a. Insurance carrier, if any, for party filing this statement (name): b. Reservation of rights: Yes No c. Coverage Issues will significantly affect resolution of this case (explain):	
13. Jurisdiction Indicate any matters that may affect the court's jurisdiction or processing of this case, and Bankruptcy Other (specify):	describe the status.
14. Related cases, consolidation, and coordination a There are companion, underlying, or related cases.  (1) Name of case;  (2) Name of court;  (3) Case number;  (4) Status;  Additional cases are described in Attachment 14s.  b A motion to consolidate coordinate will be filed by (name of consolidate	me party):
15. Bifurcation The party or parties intend to file a motion for an order bifurcating, severing, or coord action (specify moving party, type of motion, and reasons):	•
6. Other motions  The party or parties expect to file the following motions before trial (specify moving parties).	arty, type of motion, and issues);
M-140 [rest. Jamesy 1, 2007] CASE SEA NA CERSENT CTATERCENT	Page 3 of 4

				CM-110
PLAINTIFF/PETITIONER:		CA	AGE NUMBER:	
DEPENDANT/RESPONDENT:	•			-
Discovery     The party or parties have completed all o     The following discovery will be complete		idescribe all anticip	pated discovery):	
Party	Description		Date	
	••••••	•		
		•	-	
			•	
	•			•
C. The following discovery leaves are entire	tana tanan men	•		٠.
c. The following discovery leaues are antici	ipated (specify):			•
	•			•
<ol> <li>Economic Litigation</li> <li>This is a limited civil case (i.e., the amount of Civil Procedure sections 90 through 9.</li> </ol>	unt demanded is \$25,000 18 will apply to this case.	) or less) and the (	economic litigation procedur	es in Code
<ul> <li>This is a limited civil case and a motion t discovery will be filed (if checked, explain should not apply to this case):</li> </ul>	to withdraw the case from	n the economic liti	igation procedures or for add edures relating to discovery	ditional ortrial .
	•			
9. Other leaves	• • • • • • • • • • • • • • • • • • • •			•
The party or parties request that the following conference (specify):	ng additional matters be o	considered or dete	ermined at the case manage	ment .
	*		•	
O. Meet and center	•	•	•	•
a. The party or parties have met and confer of Court (if not, explain):	rred with all parties on al	Il subjects requirer	d by rule 3.724 of the Califor	mia <b>Rules</b>
	•	•	<i>:</i>	
	•		•	•.
<ul> <li>After meeting and conferring as required by ru (specify):</li> </ul>	ule 3.724 of the Callifornia	a Rules of Court, t	he parties agree on the folk	iwing
1. Casé management orders	•	•	• _	•
Previous case management orders in this case an	e (check one):	none attac	ched as Attachment 21.	••
2. Total number of pages attached (if any):			• •	•
		•	•	<i>:</i>
am completely familiar with this case and will be fully alsed by this statement, and will possess the authority ofference, including the written authority of the party	V fit anter into ethulation:	status of discover s on these issues	y and ADR, as well as other at the time of the case man	rissues agement
ete:	,	•	•	
(TYPE OR PRINT NAME)		(BIGNATI	URE OF PARTY OR ATTORNEY)	• ;
			•	
(TYPE OR PRINT NAME)		ASH ZMA	TURE OF PARTY OR ATTORNEY)	
		fraction	SOURCE UNITED SHAFT COUNTY	



# CONTRA COSTA COUNTY SUPERIOR COURT ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

All judges in the Civil Trial Delay Reduction Program agree that parties should consider using Alternative Dispute Resolution (ADR) to settle their cases. To tell the court you will use ADR:

- Choose ADR on the Case Management Form (CM-110):
- File a Stipulation to Attend ADR and Continue First Case Management Conference 90-Days (local court form); or
- Agree to ADR at your first court appearance.

Questions? Call (925) 957-5787, or go to www.cc-courts.org/adr

#### MEDIATION

Mediation is often faster and less expensive than going to trial. Mediators help people who have a dispute talk about ways they can settle their case. Parties call or visit the ADR Programs office to get a list of mediators. After parties have agreed on a mediator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the mediator at least 5 court days before mediation starts.

ALL parties and attorneys must go to mediation. Mediation can be held whenever and wherever the parties and the mediator want, as long as they finish before the court deadline. In some kinds of court cases, parties have the chance to mediate in the courthouse on their trial day.

Most mediators begin by talking with the parties together, helping them focus on the important issues. The mediator may also meet with each party alone. Mediators often ask parties for their ideas about how to settle the case. Some mediators tell the parties how much money they think a case is worth, or tell them what they think might happen if the case went to trial. Other mediators help the parties decide these things for themselves. No matter what approach a mediator takes, decisions about settling a case can only be made when all the parties agree.

If the parties go through the court ADR program, mediators do not charge fees for the first half hour spent scheduling or preparing for mediation. They also do not charge fees for the first two hours of mediation. If parties need more time, they must pay that person's regular fees. Some mediators ask for a deposit before mediation starts. Mediators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the mediation. A party whose court fees have been waived (cancelled) may ask if their mediation fees or deposit can be waived.

If parties agree about how they will settle their case, they can choose to keep it private, write it up as a contract, or ask the judge to make it a court order. What parties say and agree to in mediation is confidential (private).

### PRIVATE MEDIATION

Private mediation works in the same way as judicial mediation, but the parties do not go through the ADR Programs office. Parties choose a mediator on their own, and pay the mediator's normal fees.

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## JUDICIAL ARBITRATION (non-binding)

In judicial arbitration, an independent attorney (arbitrator) looks at the evidence, listens to the parties and their witnesses, and decides how the case will be settled. Judicial arbitration is less formal than court. Parties call or visit the ADR Programs office to get a list of arbitrators. If they cannot agree on an arbitrator, the court will assign one. The judge can send cases to arbitration if there is less than \$50,000 in dispute. The person who started the court case can make sure the case goes to arbitration if they agree to limit the amount they are asking for to \$50,000. Parties can also agree they want to use judicial arbitration. The arbitrator must send their decision (award) to the court within 10 days of the last hearing. The award becomes a court judgment unless a party asks the court to review the case within 30 days. Parties must use the ADR 102 form to ask for a new court hearing (called a trial de novo.) Judicial arbitrators charge \$150 per case or per day.

# PRIVATE ARBITRATION (non-binding and binding)

Private, non-binding arbitration is the same as judicial arbitration, except that the parties do not go through the ADR Programs office to choose an arbitrator, and the arbitrator's award will not become a judgment of the court unless all parties agree. Parties must pay the arbitrator's normal fees.

Binding arbitration is different from judicial or private non-binding arbitration because the arbitrator's decision is final. Parties give up their right to have a judge review their case later (except for reasons listed in California Code of Civil Procedure, Section 1286.2.) Binding arbitration rules are listed in California Code of Civil Procedure, Sections 1280-1288.8. Parties may also agree any time before the judge has made a decision that ends the case to switch to binding arbitration. Parties choose the arbitrator on their own, and must pay the arbitrator's normal (not \$150) fees.

# SETTLEMENT MENTOR CONFERENCE

Settlement mentors are independent, experienced trial attorneys that a judge has assigned to help parties look for ways to settle their case. The conference is free and is held in the courthouse. It is often held on the morning of trial, but it can be scheduled anytime. These conferences usually last two or three hours. Parties do not present evidence and do not call witnesses. Parties can ask the settlement mentor to keep some information confidential (private) from the other party, but not from the judge. The settlement mentor can share any information with the judge, or involve the judge in settlement discussions. All principals, clients, and claims representatives must attend the settlement mentor conference.

# **NEUTRAL CASE EVALUATION**

In neutral case evaluation, an independent attorney (evaluator) reviews documents and listens to each party's side of the case. The evaluator then tells the parties what they think could happen if the case went to trial. Many people use the evaluator's opinion to reach an agreement on their own, or use this information later in mediation or arbitration to settle their case.

Parties call or visit the ADR Programs office to get a list of evaluators. After parties have agreed on an evaluator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the evaluator at least 5 court days before evaluation starts. ALL parties and their attorneys must go to neutral case evaluation. The evaluation can be held whenever and wherever the parties and the evaluator want, as long as they finish before the court deadline. If the parties go through the court's ADR program, evaluators do not charge any fees for the first half hour spent scheduling or preparing for the evaluation conference. They also do not charge fees for the first two hours of the evaluation. If parties need more time, they must pay that person's regular fees. Some evaluators ask for a deposit before evaluation starts. Evaluators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the evaluation. A party whose court fees have been waived (cancelled) may ask if their evaluation fees or deposit can be waived.

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WITHKERRKUMNING

TEMPORARY JUDGE

Some parties want a trial, but want to choose who will decide the case and when the trial will take place. Parties can agree on an attorney that they want the court to appoint as a temporary judge for their case. (See Article 6, Section 21 of the State Constitution and Rule 2.830 of the California Rules of Court.) Temporary judges have nearly the same authority as a superior court judge to conduct a trial and make decisions. As long as the parties meet the court deadline, they can schedule the trial at their own and the temporary judge's convenience.

Each of the temporary judges on the court's panel has agreed to serve at no charge for up to 5 court days. If the parties need more time, they must pay that person's regular fees. All parties and their lawyers must attend the trial, and provide a copy of all briefs or other court documents to the temporary judge at least two weeks before the trial. These trials are similar to other civil trials, but are usually held outside the court. The temporary judge's decision can be appealed to the superior court. There is no option for a jury trial. The parties must provide their own court reporter.

### SPECIAL MASTER

A special master is a private lawyer, retired judge, or other expert appointed by the court to help make day-to-day decisions in a court case. The special master's role can vary, but often includes making decisions that help the discovery (information exchange) process go more smoothly. He or she can make decisions about the facts in the case. Special masters can be especially helpful in complex cases. The trial judge defines what the special master can and cannot do in a court order.

Special masters often issue both interim recommendations and a final report to the parties and the court. If a party objects to what the special master decides or reports to the court, that party can ask the judge to review the matter. In general, the parties choose (by stipulation) whom they want the court to appoint as the special master, but there are times (see California Code of Civil Procedure Section 639), when the court may appoint a special master or referee without the parties' agreement. The parties are responsible to pay the special master's regular fees.

### COMMUNITY MEDIATION SERVICES

Mediation Services are available through non-profit community organizations. These low-cost services are provided by trained volunteer mediators. For more information about these programs contact the ADR Program at (925) 957-5787

CV-655c/Rev. 05/2007

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ATTO	NEY OR PARTY WITHOUT ATTORNEY (Frame, State Bar			· · · · · · · · · · · · · · · · · · ·		982(a)(27
The	nael B. Moore, Esq. (62182) Law Office of Michael B. Moore Market Street, Suite 1320	Robert H. Ludiow, Jr. (36440) P.O. Box 1184 Santa Cruz, CA 95061		FOR COURT US	eonly	
1	Francisco, CA 94105 TELEPHONE NO: (415) 956-6500	·				
	CORESS (Optional): Plaintiff	FAX NO. (Optional): (415) 956-6580	E	l L		
SUPE	RIOR COURT OF CALIFORNIA, COU	ITY OF CONTRA COSTA	U	OCT 122	<b>ገ</b> ር።	
1	TUPET APPRESS: 725 Canal Street AMLING ADDRESS:			•••		
	TY AND ZIP CODE: Martinez, CA 94553		STIPPRIC	K, TORRECLIERK OF THE OR COOLERT OF THE STATE	e court Euf Calife	TRNIA
'	BRANCH NAME		<b>.</b>	GOUNTY OF CONTRA		.c.
PI	AINTIFF/PETITIONER: GREG A. PER	EVPA on incorporate to and	Ву		0000 . WE	
throu	gh his Guardian Ad Litem HUGO I	FREVEA		U	· AAE	DEK
DEFE	DANT/RESPONDENT: FORD MOT	OR COMPANY, et al.				
		or com hitt, et al.				
	APPLICATION AND ORDE OF GUARDIAN AD	R FOR APPOINTMENT	CASE NUME	BER:	****	<del></del>
	X EX PA		30	7-022	10	123.1
sho atto	tid use form DE-350/GC-100. An indiviney or is an attorney.	A party who seeks the appointment of a ritrop or who seeks the appointment of a guardidual may not act as a guardian ad litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian action and litem to the seeks the appointment of a guardian and litem to the seeks the appointment of a guardian action and litem to the appointment of a guardian action and litem to the appointment of a guardian action and litem to the appointment of a guardian action	/! Ilda			
l and	icant (name): HUGO PEREYRA  X the parent of (name): GREG A. ]  the guardian of (name):  the conservator of (name):  a party to the suit.  the minor to be represented (if the inanother interested person (specify in the inanother interested per	ninor is 14 years of age or older).				
2. This HU(	application seeks the appointment of the PEREYRA, 13945 Porto Rico D	e following person as guardian ad litem (stat rive, Avocado Heights, CA 91746; (31(	e name, a )) 710-52	ddress, and tek 70	ephone	number):
3 The ( GRE	mardian ad litem is to represent the inte G A. PEREYRA, 13945 Porto Rico	rests of the following person (state name, ac Drive, Avocado Heights, CA 91746; (3	ddrese, en 31 <b>0</b> ) 710-	d felephone nu 5270	mharj.	
8.	erson to be represented is:  a minor (date of birth);  an incompetent person.  a person for whom a conservator ha	з been appointed.				
a. LX GRE	Durt should appoint a guardian ad litem  I the person named in Item 3 has a ca  G A. PEREYRA has causes of action  bile accident.	because: ruse or causes of action on which suit should in for products liability for serious perso	i be broug onal injur	iht (describe): Ties he sustain	eđ in a	ın
	Continued on Attachment 5a.					•

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TV A th Manual Property of the Control of the Contr	
PLAINTIFF/PETITIONER: GREG A. PEREYRA, an incompensent, by and through his Guardian Ad Litem HUGO PEREYRA  DEFENDANT/RESPONDENT: FORD MOTOR COMPANY, et al.	CASE NUMBER:
<ol> <li>b more than 10 days have elapsed since the summons in the above-entitled material in item 3, and no application for the appointment of a guardian ad litem has been 3 or any other person.</li> </ol>	ter was served on the person named en made by the person identified in
c. 🗶 the person named in item 3 has no guardian or conservator of his or her estate	•
d. (x) the appointment of a guardian ad litern is necessary for the following reasons (s sustained serious brain damage in this accident and is incompetent. Sec	prooffed: Plaintiff Crac A. Barrer
Continued on Attachment 5d.	
<ul> <li>6. The proposed guardian ad litem's relationship to the person he or she will be representing a. x related (state relationship): Father</li> <li>b not related (specify capacity):</li> </ul>	ĝ is:
7. The proposed guardian ad litem is fully competent and qualified to understand and protein represent and has no interests adverse to the interests of that person. (If there are any is any possible adverse interests, describe and explain why the proposed guardian should.)	Blich of commedium, as a salibadian
Continued on Attachment 7.  Michael B. Moore, Esq.	02 m
TYPE OR FRINT NAME)	(SIGNATURE OF ATTORNEY)
I declare under penalty of perjury under the laws of the State of California that the foregoing in Date: 6-23-07	s true and correct.
Hugo Perevra	•
(TYPE OR FRING MANIE)	(SIGNATURE OF APPLICANT)
CONSENT TO ACT AS GUARDIAN AD LITEM	
I consent to the appointment as guardian ad litem under the above petition.  Date: 6-23-07 A	
Hugo Perevra	
TYPE OR PRINTINGUE (SIGNATURE	E OF PROPOSED GUARDIAN AD LITEM)
ORDER X EX PARTE	
THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the application, as requested.	person named in item 3 of the
THE COURT ORDERS that (name): HUGO PEREYRA is hereby appointed as the guardian ad litem for (name): GREG A. PEREYRA	
for the reasons set forth in item 5 of the application.	
Date: 10-10-07	OMAS M. MADDOCK
	JUDICIAL OFFICER
B62(a)(27) [Rev. Jenusry 1, 2004] ARDLICATION AND CONTROL	LAST ATTACHMENT
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM — CIVIL	Page 2 of 2

#### ••.

#### Kaiser SCAL.

Print Date : Fri Dec 22 14:32:08:2006

PEREYRA, GREG A 2221239078 15159907 ab

Gender : Male Age : 37

Birth Date 02/21/1969

Birth Wgt : 0 --

Disposition : Long Term Care Hosp (63)

Admit Date : 12/05/2006

LOS :3

Disch Date : 12/08/2006

# **Medicare DRG**

027 TRAUMATIC STUPOR & COMA, COMA >1 HR

CMS wt 1.3499 A/LOS 4.7 G/LOS 3.1

# Principal Diagnosis

\*\*R0415 Closed multiple fracture skull/face with other bones with cerebral laceration/contusion, prolonged unconsciousness, no return to normal

# Secondary Diagnoses

	· · · · · · · · · · · · · · · · · · ·	• • •
#45341	Venous embolism and thrombosis of deep vessels of proximal lower extremity	:1:
#70703	Decubitus ulcer, lower back	ũ.
#51883	Chronic respiratory failure	2: -33
#5990	Urinary tract infection, site not specified	
85105	Cortex (cerebral) contusion, no open intracranial wound, prolonged unconsciousness, no return to normal	j.
8728 87342	Uncomplicated open wound of ear, part unspecified  Open wound of face without complication, foreboard	

87342 Open wound of face without complication, forehead
78199 Symptoms involving nervous and musculockeletel green

78199 Symptoms involving nervous and musculoskeletal systems
V440 Tracheostomy status

V441 Gastrostomy status

# **Principal Procedure**

8703 Computerized axial tomography of head



Panorama City Medical Center 13652 Cantara Street Panorame City, CA 91402

Admit Date:

Room:

Name: PEREYRA, GREG

DOB: 02/21/1969 Gender, M Age: 37Y: MRN: 15159907

# HISTORY AND PHYSICAL

Date of Admission:

12/05/2006

CHIEF COMPLAINT: Transferred from Reno.

HISTORY OF PRESENT ILLNESS: All history is obtained from the chart. The patient is nonverbal and the decision to accept the patient and transfer to Panorama City was made during an earlier shift and that information is lost to me at this time. According to the transfer summary sent with the patient, the patient is an unfortunate 37-year-old gentleman who was involved in an head-on motor vehicle accident around 2 PM on the afternoon of October 17, 2006 somewhere Bishop, CA. Per report, the patient was intubated at the scene and subsequently taken to Mono County Hospital. The patient was initially attempted to be transferred to Southern California, however, this was unsuccessful and the patient was subsequently brought on October 17, 2006 to Renown Regional Medical Center in Reno, Nevada. The patient was called as a trauma blue and evaluated by the trauma surgeon and neurosurgery. The patient's hospital course is prolonged and complicated. Please see the full transfer summary for details. Essentially the patient had a traumatic brain injury with bifrontal confusions, left greater than right, with increased intracranial pressure with diffuse external injury in multiple areas including the temporal lobes as well as subdural, epidural hematomas, mild mass effect on the left frontal horn, respiratory failure, multiple facial fractures, and facial lacerations. The patient's hospital course was also complicated by a DVT and urinary tract infection. The patient had multiple procedures including:

- . I. Lest frontoparietal temporal eraniectomy with evacuation with a subdural and epidural . bemetomas. was left out following a surgical procedure due to increased intracranial pressure.
  - 2. Placement of left subclavian triple lumen catheter, placement of right radial arterial
  - 3. Cleaning debridement and then closure of a complex laceration extending from above the left cycbrow through the cycbrow and into the cyclid for approximately 7 cm.
  - 4. Repair of a partial avulsion of the left ear done by Dr. Baumberger on 10/18/06.
  - 5. Placement of right frontal intracranial pressure monitor Camino on 10/26/06 by Dr. Jay Morgan.
  - 6. Flexible bronchoscopy with bronchoalveolar lavage on 10/27/06 by Dr. Baumberger.
  - 7. Fiberoptic bronchoscopy with bronchoalveolar lavage for percutaneous dilatation of tracheostomy done on 10/28/06 done by Dr. Bain, trauma surgery.
- 8. Placement of right transfermoral percutaneous IVC filter into the vena cava and filter with Nina gram.

Author: Susannah Mason, M.D.

# HISTORY AND PHYSICAL

Original

Page 1. of 4 116M 79551741.ff - 2/8/2008 11:14:06 AM

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# Panorama City Medical Center 13652 Cantara Street Panorama City, CA 91402:

Admit Date:

Room:

Name: PEREYRA, GREG

DOB: 02/21/1969 Gender; M

Age: 37Y MRN: 15159907

Laparoscopic gastric tube placement done on 11/17/06 by Dr. Baumberger.

The patient's transfer summary will be reiterated here for the hospital course for inclusion in KPDS. According to the dictation the patient was admitted through the emergency room to the intensive care unit. The patient would not open his eyes and to voice or stimulus he would only turn his head to noxious stimuli. He was then in a Miami Day collar. He was noted to have facial lacerations and a laceration over the ear. His pupils were equal, round, and reactive to light. Glaucoma scale was 5. ICB bolt was placed on admission and the patient was taken and had his laceration repaired by Dr. Baumberger. He remained in the intensive care unit with increasing intracranial pressures over 2-3 weeks. The patient was placed on a pentobarbital coma to control the increasing intracranial pressures. He remained heavily sedated. He remains on the ventilator and this was managed by trauma surgery. A couple of weeks after admission the patient was able to come off of the paralytics, although did remain on still some significant amount of narcotic medication. He had periods of increasing intracranial pressure. He was treated with Mannitol as well as a ventricular catheter drain. He received bronchoscopy as stated above. His vital signs did remain stable, although the patient would not open his eyes to verbal or noxious stimuli. He would have bleak flexion of his upper extremities to pain. Once the intracranial pressure did stabilize the patient was considered to go to the operating room for replacement of the bone flap, although there was noted to be some eschar at the superior area at the incision site itself but it did not appear to be infected. We asked physical therapy to evaluate for wound management and recommendations were given. Time was given for the wound to heal. It did not do so as dramatically as we would have liked. It did take longer but was in the way of healing. He intermittently had slight elevations in temperature. He remained on Dilantin for antiseizure activity. He was given tube feedings. We had been in contact with the family throughout all of this and the discussion of placing the bone flap later rather than sooner due to the look of the incision itself. The patient was eventually weaned from the ventilator. He was able to be transferred out of the ICU to the neurosurgical floor. There he remained with a tracheostomy collar receiving oxygen. He was noted to have some spontaneous movement, particularly in the right upper extremity. He is grabbing his gown or towel that was placed on his hand and play with it. He would still not follow commands. He would occasionally open his eyes but would not tract the examiner. The incision was healing well. The bone flap site was softener but not completely sunken and the pupils remains equal and reactive to light. The patient had also been seen by physical therapy. The patient will require some rehabilitation and the plan will be to get him transferred to a Kaiser based facility. Dr. Morgan did speak to Dr. Gravely about placement of the bone flap and it is agreed that the patient should continue to get some time for recovery and the bone flap can be placed at a later date.

His medications are subsequently reviewed as well as recent laboratory studies. The patient was transferred and arrived at Panorama City this evening in stable condition. No further information

Author: Susannah Mason, M.D.



Panorama City Medical Center 13652 Cantara Street Panorama City, CA 91402

Admit Date:

11:12

Room:

Name: PEREYRA, GREG

DOB: 02/21/1969 Gender M. Age: 37Y MRN: 15159907

is available at this time. Per the patient's previously dictated History and Physical he had no significant past medical problems. He was previously taking no medications.

SOCIAL HISTORY: The patient has a giriffiend who resides in Reno. He was on his way to visit her when he had the car accident. He has a mother and father who live in Los Angeles. His mother was also in the care with him, however, she was discharged from the hospital and is apparently doing okay.

FAMILY HISTORY: Otherwise noncontributory.

ALLERGIES: NO KNOWN DRUG ALLERGIES.

MEDICATIONS: Currently he is on chlorhexidine 0.12% oral rinse b.i.d., Lovenox 30 mg b.i.d., nystatin swish and swallow q.i.d., Pepcid 20 mg b.i.d., Dilantin previously 400 mg q.h.s. with a Dilantin level of 4 today currently increased to 300 mg q-12-hours, Reglan 5 mg q-6hours, receiving free water boluses 100 ml via G-tube q.i.d., and occasional Vicodin as well.

PHYSICAL EXAMINATION: Temperature is 37.3. Pulse is 112. Blood pressure is 134/93. Respirations are 22. Weight is 69.3 kg. Saturation is 97% on 10 liters via trach collar, cool mist. The patient is in no acute distress. His left scalp wound has sutures in place. He has visible indentation from a missing bone flap. Pupils are equal, round, and reactive. He is nonresponsive to verbal or painful stimuli at this time. His heart is tachycardiac and regular. His trach is in place with cool mist. His lungs are clear to auscultation bilaterally. He has a G-tube in place. Normal active bowel sounds, soft, and nontender. The Foley catheter is placed with clear urine. Extremities have no clubbing, cyanosis or edema. He has no spontaneous movement. No response to painful stimuli at this time.

ASSESSMENT: This is a 37-year-old gentleman with traumatic brain injury awaiting bone flap and questionable neurologic status.

PLAN: The patient was initially admitted to the telemetry floor, however, he will be placed in the CCU as a DOU boarder given his trach via cool mist and the overall unclear condition at this time. The patient's case has apparently been discussed with Dr. Gravely of neurosurgery who is unfortunately not on-call this evening. This case will need to be reviewed with neurosurgery in

Author: Susannah Mason, M.D.



Admit Date:

Name: PEREYRA

DOB: 02/21/1969; Gender M - Age 37Y MRN 15159905

the morning and does not appear to have any indication for an emergent consultation at this time. The patient should also be seen in consultation for neurology for consideration of overall neurologic status and rehab potential. The patient will be continued on medications from the outside hospital. Social worker and case manager will also be obtained.

Susannah Mason, M.D.

CC:

SA:tm

D: 12/05/2006 21:22:54 T: 12/06/2006 07:09:10

Job#: 1115292

Doc#: 274428

Author: Susannah Mason, M.D.



anorama City Medical Center 3852 Cantera Street

Admit Date: 12/05/2006

Room: 717

DOB: 02/21/1969 Gender: M

Age: 37Y MRN: 15159907

Date of Service: 12/08/2006 Date of Transfer: 12/08/2006

BRIEF HISTORY: Please see the extensive history and physical by Dr. Mason and also the consult note by Dr. Gravely for details. Briefly, this is a 37-year-old gentleman who was near Reno, Nevada where he suffered a motor vehicle accident on October 17th, 2006. He suffered extensive traumatic head injuries. Was found to have subdural and epidural hematomas while Renown Regional Medical Center in Reno, he underwent left frontal parietal temporal craniotomy though bone flap was not replaced secondary to increased cranial pressures. He also had complications including deep venous thrombosis which necessitated an IVC filter. He received a tracheostomy which currently he receives oxygen by blow-by and also has a G-tube. He was in Reno until 12/5/06 at which he was transferred back into the Kaiser Permanente Medical system. Originally, he was planned to be transferred possibly under the care of neurosurgery, however, he was transferred to Panorama City instead, though the reasons for this is still not entirely cleared at this point.

HOSPITAL COURSE: The patient was seen by neurosurgery, Dr. Lance Gravely, again, you may refer to his consult note. The patient was neurosurgically stable. His baseline mentation is that he opens his eyes occasionally. He does not seem to track with his eyes. He has some spontaneous movement in his right arm and right leg. He does not seem to have any purposeful movements. I was to elicit much in the way of response to nailbed pressure, either of his four

As noted previously, the patient does not have his bone flap from his previous craniotomy. Dr. Gravely feels a procedure to remedy this can be done as an outpatient, most likely by the way of prosthesis. While he was in the hospital, did not seem he had any other acute medical needs. He was continued on his G-tube feedings. He was given oxygen supplementally by blow-by from his tracheostomy. He does have occasional slight blood tinge, mucous, though chest x-ray was unremarkable for any infiltrates. Of note, he did have a somewhat sub-therapeutic Dilantin level. Reviewing the records at Reno, does not seem like he was put on Dilantin for actual seizures, but for prophylaxis only, I will increase his Dilantin dose slowly. I do not see acute need for reloading because this is for prophylaxis only. Further long-term need for Dilentin may be readdressed by neurosurgery.

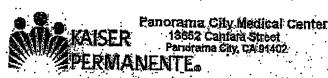
On 12/8/06, the patient was felt stable for transfer to a skilled nursing facility. I did discuss the case with physical medicine rehab, Dr. Homes. The patient is not a candidate for acute rehab

Author: Kenneth H. Hu, M.D.

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Case 3:08-cv-01063-MMC

DOB: 02/21/1969 Gender: M Age: 37Y MRN: 15159907

because he is unable to follow commands. I also will arrange for hun to have a helinet or prosthesis because of his lack of a bone flap. This was done by E. Referral and he can be fitted as an outpatient.

# DISCHARGE DIAGNOSES:

- 1. Status post craniotomy for epidural and subdural hematomas.
- 2. History of deep venous thrombosis with an IVC filter, chronic respiratory failure.
- 3. . Traumatic brain injury.
- 4. Status post G-tube.

# DISCHARGE MEDICATIONS: As follows:

- 1. Peridex oral rinse twice daily.
- 2. Pepcid 20 mg by G-tube twice daily.
- 3. Regian 5 mg G-tube q six hours.
- Dilantin 500 mg suspension twice daily by G-tube.

His feedings will be ProBalance FS by G-tube, 85 ml per hour, HO2 flush 100 ml q.i.d.

Please note, I will also arrange for a follow-up with Dr. Gravely as an outpatient.

Kenneth H. Hu, M.D.

cc: · Dr. Gravey, Neurosurgery at Woodland Hills.

KHH:h

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T: 12/08/2006 10:19:56

Doc#: 275003



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